



ATTORNEY DOCKET NO.: UCSD1590

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard S. Kornbluth
Application No.: 09/454,223
Filed: December 9, 1999
Title: MULTIMERIC FUSION PROTEINS OF TNF SUPERFAMILY LIGANDS
(AMENDED)

Art Unit: 1647
Examiner: J. Seharaseyon

RECEIVED

AUG 20 2004

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R § 1.137(b)**

Sir:

Responsive to the Notice of Abandonment mailed January 24, 2003, Applicant hereby petitions for revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the failure to timely file a proper reply to the Office communication mailed June 17, 2002 was an unintentional error.

The above identified application became abandoned for Applicant's alleged failure to respond to the Office communication mailed June 17, 2002. As Applicant believed that all outstanding Office communications had been addressed and that the application was pending, Applicant did not provide a Response.

The entire delay in filing the required reply from the due date for reply until the filing of the present grantable petition pursuant to 37 CFR § 1.137(b) was unintentional, as detailed in the accompanying Statement.

08/17/2004 JBALINAH 00000060 09454223

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665.00 OP

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on August 13, 2004, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen LePari
Karen LePari

In re Application of:
Kornbluth
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Filing Date: December 9, 1999
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Attorney Docket No. UCSD1590

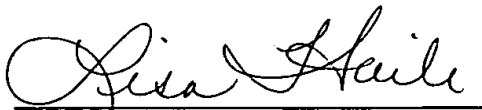
Submitted herewith, as required by C.F.R. §1.137(b)(1-4), are the following:

1. The required reply (Response to the Notice of Non-Compliant Amendment mailed June 17, 2002);
2. Check No. 559167 in the amount of \$875.00 (including the \$200.00 outstanding balance for two months' extension of time, and a \$675.00 petition fee pursuant to CFR §1.17(l) to revive an unintentionally abandoned application for a small entity); and
3. A Statement that the entire delay in filing the required reply, from the due date to the filing of a grantable petition pursuant to 37 CFR § 1.137(b), was unintentional.

Applicant respectfully petitions for revival of the above-identified application. Enclosed is a check in the amount of \$875.00, which includes the petition fee to revive an unintentionally abandoned application, as set forth above. No additional fees are believed due with the present response. However, the Commissioner is hereby authorized to charge any additional fees, or make any credits, to Deposit Account No. 50-1355. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: August 13, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
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GRAY CARY WARE & FREIDENRICH LLP
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USPTO Customer Number 28213



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Sir:

Responsive to the Notice of Abandonment mailed January 24, 2003, this Statement accompanies a Petition for Revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the application was abandoned unintentionally by Applicant. It is respectfully submitted that Applicant's failure to respond to the Office Communication mailed June 17, 2002 was an unintentional error. The Office Communication mailed June 17, 2002 indicates the Response filed January 14, 2002 is not in compliance with 37 CFR § 1.121. In addition, the Notice of Informality Regarding Payment of Fee mailed February 28, 2002 states that a fee for two months' extension of time is due in connection with the Response filed January 14, 2002. As Applicant believed that all outstanding fees had been

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on August 13, 2004, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen LePari

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Kornbluth

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properly paid, all required replies filed, and that the application was pending, Applicant did not provide a Response or a fee.

The entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

Applicant's entire delay from the time the Response was initially due until the filing of the present grantable petition pursuant to 37 CFR § 1.137(b) was initially due to the fact that Applicant was unaware that any additional response was due. Upon receipt of the Notice of Abandonment, Applicant immediately determined the status of the situation, engaged counsel, and prepared the present petition for revival of the unintentionally abandoned application.

Applicant's current representative obtained a copy of the Notice of Abandonment mailed January 24, 2003, the Notice of Informality Regarding Payment of Fee mailed February 28, 2002, and the Notice of Non-Compliant Amendment mailed June 17, 2002 via facsimile from Examiner Jegatheesan Seharaseyon. Upon receipt of these documents, Applicant's representative confirmed that no responses to either the Notice of Informality Regarding Payment of Fee mailed February 28, 2002 or the Notice of Non-Compliant Amendment mailed June 17, 2002 had been filed. Accordingly, the present petition is accompanied by a response to the Notice of Non-Compliant Amendment and a check including the \$200 as the required reply to the Notice of Informality Regarding Payment of Fee.

This statement accompanies the Petition for Revival, along with a check in the amount of \$875.00, which includes the outstanding Fee for a two month extension of time and a \$675.00 petition fee pursuant to CFR §1.17(l) to revive an unintentionally abandoned application:

The present Statement provides the required statement that the entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

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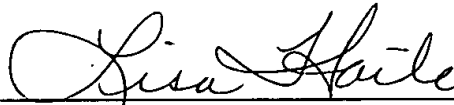
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Enclosed is Check No. 559167 in the amount of \$875.00, to cover the outstanding Fee for a two month extension of time and the petition fee to revive an unintentionally abandoned application. No additional fees are believed due with the present response. However, please charge any additional fees, or make any credits, to Deposit Account No. 50-1355. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: August 13, 2004



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